



NEWS From Assemblymember 101st Assembly District **Kevin Cahill**

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Assemblymember Cahill: New York Lags in Poll Site Access

New York's failure to comply with federal voting law not limited to voting machines and voter database

On Tuesday, January 10th, the Civil Rights Division of the U.S. Department of Justice notified New York that it has been authorized to take action against the state for its failure to implement the federal Help America Vote Act (HAVA) in a timely manner. The letter, sent to Attorney General Eliot Spitzer and the State Board of Elections, chastised New York for its inability to meet the requirements of HAVA in regard to the purchasing of new voting machines, the establishment and maintenance of a statewide voter database and the dereliction of its duty to ensure equal access to voting machines for voters with disabilities.

Assemblymember Kevin Cahill (D – Ulster, Dutchess), a member of the State Legislature's HAVA Conference Committee and former Chair of the Assembly's Task Force for People with Disabilities, agreed that not only has the state fallen short in terms of procuring new voting machines and creating a voter database, but it has also failed to enact a significant measure that would protect the voting rights of people with disabilities by ensuring all polling sites comply with the accessibility requirements mandated by federal law. "Our efforts to implement the Help America Vote Act in New York were intended to protect the voting rights of all citizens. It is unconscionable that fifteen years after the passage of the Americans with Disabilities Act, some polling sites in New York are still inaccessible to citizens with disabilities," said Mr. Cahill. "We are not only required by law, but we also have a moral obligation to ensure access for all voters."

Last year, the Assembly passed legislation (A.120) authored by Assemblymember Cahill that requires every polling place to be accessible to voters with physical disabilities and provides guidelines that shall be in accordance with the accessibility requirements mandated pursuant to the federal Americans with Disabilities Act of 1990. The bill has unanimously passed the Assembly in each of the last three years. The Senate, however, has thus far refused to consider the legislation.

"From the very first HAVA conference committee, I urged my colleagues to act with dispatch to develop a comprehensive approach to elections reform in New York. Assemblymember Cahill declared, "Instead, we faced a disorganized Senate and then just plain obstinacy on their part. They refused to meet regularly and when we did meet, they refused to conclude significant issues. My frustration was shared by observers, interested parties and the people of New York."

"HAVA presented us with a once in a lifetime, federally funded opportunity to make the electoral process inclusive for all voters, including those living with disabilities," said Chris Zachmeyer, Executive Director, Catskill Center for Independence. Ms. Zachmeyer, also Chair of the New York Association on Independent Living Election Reform Committee, went on to say, "I commend the Department of Justice for its action and sincerely hope that the needs of voters with disabilities in terms of physical access to polling places and voting machines is no longer neglected at the state or federal level. We are in the 21st century and the time has come for voters with disabilities to finally find out what it's like to be able to cast a vote privately and independently in this country."

The Department of Justice concluded its letter to New York by stating, "it is clear that New York is not close to approaching full HAVA compliance and, in our view, is further behind in that regard than any other state in the country." The state risks losing approximately \$200 million in federal funding provided to assist in the implementation of HAVA should this matter remain unresolved. "We have spent the last three years working diligently to enact voting reform legislation that not only complies with federal standards but also meets the needs of all New York citizens," said Mr. Cahill. "The prospect of failing at this juncture is unacceptable. The Legislature needs to reconvene the HAVA Conference Committee as soon as possible in order to properly and promptly address the issues raised by the federal government," the Assemblymember concluded.

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Attachment: Letter from the U.S. Department of Justice